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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00580 EJD
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING FROM
v.	)	JUNE 20, 2011 TO JUNE 27, 2011 AND
	)	EXCLUDING TIME FROM THE SPEEDY
CHRISTINA AVILA-SOTO,	)	TRIAL ACT CALCULATION
	)	
Defendant.	)	
	)	

The Parties, Christina Avila-Soto and the United States, acting through respective counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for June 20, 2011 at 1:30 p.m. be vacated, and that the hearing be re-set for June 27, 2011 at 1:30 p.m. The government is requesting the continuance of the hearing because government counsel will be unavailable during that time.

The parties stipulate that the time between June 20, 2011 and June 27, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested continuance would unreasonably deny the government continuity of counsel. Finally, the parties agree that the ends of justice served by granting the requested continuance outweigh the best interest of the public, and the defendant in a speedy trial and in the prompt disposition of

1 criminal cases. 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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3 DATED: June 13, 2011

MELINDA HAAG  
United States Attorney

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5 /s/  
6 SUZANNE DeBERRY  
Special Assistant United States Attorney

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9 VARELL L. FULLER  
Attorney for Defendant

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[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the hearing in this matter previously set for June 20, 2011 at 1:30 p.m. is vacated, and the matter is continued to June 27, 2011 at 1:30pm. Further, the Court ORDERS that the time between June 20, 2011 and June 27, 2011 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny the government continuity of counsel. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: June 14, 2011



EDWARD J. DAVILA  
UNITED STATES DISTRICT COURT JUDGE